

REMARKS

Claims 1-2, 4, 6-8, and 11-20 are pending in the application. Claims 1, 11 and 18 are amended. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

Claims 1, 2, 4, 6, 8, 15-18, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US 2001/0029139 to Espe (herein “the Espe publication”) in view of U.S. Patent No. 4,909,294 to Kositzke (herein “the Kositzke patent”). Claims 7, 14, and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Espe publication in view of the Kositzke patent and in further view of U.S. Patent No. 5,855,733 to Douglas et al. (herein “the Douglas et al. patent”). Applicant respectfully traverses the rejections for the following reasons.

Claim 1 recites a press pad having a fabric whose warp and/or weft each includes a pattern of alternating types of thread, the pattern repeating itself in the fabric. The pattern of alternating types of threads includes at least two types of thread of different elasticity transverse to the thread axis, each type of thread comprising a sheath made of an elastomeric material and a core with a higher tensile strength than the sheath. The recited core and sheath configuration of each thread, in combination with the recited types of threads having different elasticity in the direction transverse to the thread axis, provides an enhanced localized elasticity and strength for the press pad. Claim 1 further recites that a diameter of the sheath of the first type of thread is generally equal to a diameter of the sheath of the second type of thread.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must ***teach or suggest all the claim limitations***. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's

disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). It is a well-established law that the Examiner “cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention,” especially if such references fail to disclose expressly claimed elements of the claims. See In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

As indicated by the Examiner, the Espe publication and the Douglas et al. patent do not disclose a press pad comprised of a fabric having a pattern of alternating types of thread having different elasticity, the pattern repeating itself in the fabric, where the pattern of alternating types of threads includes at least two types of thread of different elasticities transverse to the thread axis (See page 2 of Final Office Action dated October 17, 2005). Applicant argues that the Kositzke patent fails to correct this deficiency for the following reasons.

The Kositzke patent merely discloses weft yarns 12, 14, 16, and 18 may be extruded from the same or different types of synthetic polymeric resin and may be of the same or different diameters (col. 3, lines 30-34). However, the Kositzke patent does not teach or suggest a press pad having the pattern of alternating types of threads that includes at least two types of thread of different elasticities transverse to the thread axis, each type of thread comprising a sheath made of an elastomeric material and a core with a higher tensile strength than the sheath, where the sheath of the first type of thread is generally equal to a diameter of the sheath of the second type of thread. The Kositzke patent does not disclose or suggest **threads of different elasticities where the diameter of the sheath of the first type of thread is the same as the diameter of the sheath of the second type of thread.**

Even if one were to assume that the Kositzske were combined with the Espe publication, the combination would render the alleged Kositzkse core incapable forming paper as indicated to be its intended purpose (See Abstract). Kositzkse teaches that support yarns 12, 14, 16, and

18 are of different diameters based on their function (col. 3, lines 33-38). Lower weft yarns 14 in the wear layer are of the largest diameter, weft yarns 16 are of a lesser diameter to provide a smooth forming surface, and weft yarns 18 are of a different diameter so as to be placed in the proper plane of the fabric (col. 3, lines 38-62). If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modifications (See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see also MPEP 2143.01).

For at least these reasons, the Examiner has failed to show the suggestion or motivation to combine or modify the Espe publication in view of the Kositzske patent as alleged so as to read on the limitations recited in claim 1 as amended. Accordingly, reconsideration and allowance of claim 1 is respectfully requested.

Claims 2, 4 and 6-8 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowed. Claims 2, 4, and 6-8 may include patentable subject matter in addition to claim 1.

Claim 11, as amended, recites a press pad comprising a warp interwoven with a weft, the warp and/or the weft each including a pattern of alternating types of threads having differing elasticity transverse to a thread axis. Each type of thread includes a core and a polymer material at least on its lateral surface. The weft is interwoven with the warp, and the pattern of alternating types of threads repeats itself. A diameter of the sheath of the first type of thread is generally equal to a diameter of the sheath of the second type of thread.

For reasons similar to those described above for claim 1, the cited references do not teach or suggest a press pad comprising a warp including a pattern of alternating types of threads each having differing elasticity transverse to a thread axis, where a diameter of the sheath of the first type of thread is generally equal to a diameter of the sheath of the second type of thread, as recited in claim 11. Accordingly, reconsideration and withdrawal of the rejection of claim 11 is respectfully requested.

Claims 12-17 depend either directly or indirectly from claim 11 and are believed allowable for the same reasons that claim 11 is believed allowed. Claims 12-17 may also include patentable subject matter in addition to that recited in claim 11.

For reasons similar to those described above for claim 1, the cited references do not teach or suggest a press pad with improved pressure compression having a warp; a weft in communication with the warp, where the warp and/or the weft includes an alternating pattern of at least two types of threads of differing elasticity transverse to the thread axis, each type of thread having 1) a sheath that is an elastomer and has a high temperature stability above 200 degrees Celsius, and 2) a core. The core has a higher tensile strength than the sheath and a diameter of the sheath of the first type of thread is generally equal to a diameter of the sheath of the second type of thread. For at least this reason, reconsideration and withdrawal of the rejection of claim 18 is respectfully requested.

Claims 19-20 depend either directly or indirectly from claim 18 and are believed allowable for the same reasons that claim 18 is believed allowed. Claims 19-20 may include patentable subject matter in addition to claim 18.

CONCLUSION

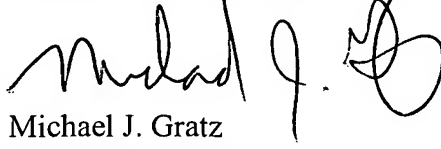
It is submitted that claims 1-2, 4, 6-8, and 11-20 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

Authorization is given to charge Deposit Account No. 50-1170 in the amount of \$395.00 for payment of filing an RCE by a small entity. No other fees are believed to be payable. Nevertheless, should the Examiner consider any other fee to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayments to Deposit Account No. 50-1170.

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The Examiner is please asked to contact the undersigned by telephone if it would help expedite the prosecution and allowance of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Gratz", followed by a large, stylized circular flourish.

Michael J. Gratz
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Dated: _____

5/22/06

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